



DAE (1)
25/11

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

App. No. : 10/046,614 : Confirmation No.: 2701
Applicant : Charles Michael Birtcher, et. al.
Filed : 01/14/2002
For : Cabinet for Chemical Delivery with Solvent Purging

Art Unit : 3753
Examiner : George Walton

Docket No. : 06242 USA
Customer No. : 23543

CERTIFICATE OF FACSIMILE TRANSMISSION

I CERTIFY THAT THIS PAPER IS BEING FACSIMILE TRANSMITTED TO THE PATENT AND TRADEMARK OFFICE ON THE DATE SHOWN BELOW:

ON _____
Date PTO Fax No.

Geoffrey L. Chase
(Type or print name of person sending paper)

Signature of person sending paper

CERTIFICATE OF MAILING

I CERTIFY THAT THIS PAPER (ALONG WITH ANY PAPER REFERRED TO AS BEING ATTACHED OR ENCLOSED) IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE WITH SUFFICIENT POSTAGE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO:

MAIL STOP: ISSUE FEE
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

ON 13 May 2005
Date

Geoffrey L. Chase
(Type or print name of person mailing paper)

Geoffrey L. Chase
Signature of person mailing paper

NO FEE PETITION UNDER 37 CFR 1.181

TO WITHDRAW HOLDING OF ABANDONMENT

Sir:

The following is responsive to the Office Action dated 05/04/2005:

- ☐ **Amendments to the Specification** begin on page _____ of this paper.
- ☐ **Amendments to the Claims** are reflected in the listing of claims which begins on page _____ of this paper.
- ☐ **Amendments to the Drawings** begin on page _____ of this paper and include an attached replacement sheet(s).
- ☐ **Amendments to the Abstract** are on page _____ of this paper. A clean version of the Abstract is on page _____ of this paper.
- ☒ **Remarks/Arguments** begin on page 2 of this paper.

REMARKS

Applicant respectfully petitions to have the holding of abandonment withdrawn for the above-identified allowed patent application under 37 CFR 1.181, because the Applicant timely filed the issue fee payment, which apparently was not received by the US Patent Office from the US Postal Service, as set forth below and as evidenced by the attachments described below.

Applicant received a Notice of Allowance (PTOL-85) dated 12/21/2004 on 12/28/2004 in the above identified case, with a payment due date of 3/21/2005.

Applicant deposited with the US Postal Service the completed Part B – Fee(s) Transmittal (PTOL-85) with the certificate of mailing signed by the undersigned attorney of record on 01/31/2005, authorizing the issue fee to be deducted from Applicant's deposit account, which deposit account had adequate funds to cover the issue fee. Applicant included a return postcard. Adequate postage was included for the Part B – Fee(s) Transmittal (PTOL-85) and the return postcard. Applicant mailed Part B – Fee(s) Transmittal (PTOL-85) and return postcard to:

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant attaches copies of the above Part B – Fee(s) Transmittal (PTOL-85) and return postcard as deposited with the US Postal Service on 01/31/2005.

Applicant has not received the return postcard from the US Patent Office.

Applicant received a Notice of Abandonment (PTO-1432) dated 05/04/2005 on 05/11/2005. Copy attached.

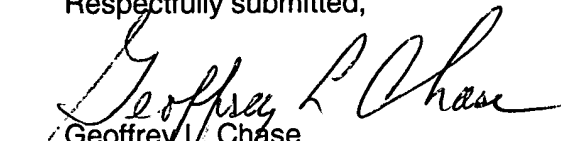
Applicant maintains a Patent Department in its Law Department which routinely files applications, papers, responses and issue fees with the US Patent Office via the US Postal Service and maintains adequate procedures to timely and correctly mail papers to the US Patent Office via the US Postal Service on a routine basis. Applicant is not aware of any

Appl. No. 10/046,614

other failure of a paper duly filed with the US Patent Office via the US Postal Service to be actually received by the US Patent Office. This petition under 37 CFR 1.181 is timely filed on 05/13/2005.

In summary, Applicant's petition for withdrawal of the holding of abandonment of the above-identified patent application should be granted and the issue fee debited to the deposit account identified in the attached copy of the B – Fee(s) Transmittal (PTOL-85) and the application should be processed for grant of a patent. Applicant did timely pay the issue fee, but for an unknown reason unavoidable by Applicant, the US Postal Service failed to delivery the B – Fee(s) Transmittal (PTOL-85) to the US Patent Office.

Respectfully submitted,


Geoffrey L. Chase
Attorney for Applicant(s)
Registration No. 28,059

7201 Hamilton Boulevard
Allentown, PA 18195-1501
(610) 481-7265

Attachments: Notice of Allowance (PTOL-85)
Issue Fee Payment (PTOL-85)
Notice of Abandonment (PTO-1432)

DEC 28 2004



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov



NOTICE OF ALLOWANCE AND FEE(S) DUE

23543 7590 12/21/2004

AIR PRODUCTS AND CHEMICALS, INC.
 PATENT DEPARTMENT
 7201 HAMILTON BOULEVARD
 ALLENTOWN, PA 181951501

EXAMINER

WALTON, GEORGE L

ART UNIT

PAPER NUMBER

3753

DATE MAILED: 12/21/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,614	01/14/2002	Charles Michael Birtcher	06242 USA	2701

TITLE OF INVENTION: CABINET FOR CHEMICAL DELIVERY WITH SOLVENT PURGING

*Issue Fee and
 Publication Fee Due
 31 March 2005*

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	03/21/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.
- B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

- A. Pay TOTAL FEE(S) DUE shown above, or
- B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

RAB/ File



AIR
PRODUCTS

Patent Prosecution

Docket No: 06242 USA R
Serial No: 10/046,614 Atty: GLC
Applicant: Charles Michael Birtcher

The stamp of the U.S. Patent and Trademark Office Mail Room hereon indicates receipt of the following:

- | | |
|--|--|
| <input type="checkbox"/> Declaration | <input type="checkbox"/> RCE |
| <input type="checkbox"/> Power of Attorney | <input type="checkbox"/> Notice of Appeal (in duplicate) |
| <input type="checkbox"/> Statement Under Rule 3.73(b) | <input type="checkbox"/> Appeal Brief (in triplicate) |
| <input type="checkbox"/> Assignment | <input type="checkbox"/> Reply Brief |
| <input type="checkbox"/> Assignment Recordation Coversheet | <input type="checkbox"/> Request for Oral Hearing (in duplicate) |
| <input type="checkbox"/> Drawings _____ Sheet(s) | <input type="checkbox"/> Confirmation Hearing |
| <input type="checkbox"/> Information Disclosure Statement (IDS) | <input type="checkbox"/> Terminal Disclaimer |
| <input type="checkbox"/> IDS Transmittal 1.97 | <input type="checkbox"/> Petition |
| <input type="checkbox"/> Copies of IDS Citations | <input checked="" type="checkbox"/> Issue Fee/Publication Fee (in duplicate) |
| <input type="checkbox"/> Letter | <input type="checkbox"/> Request for Certificate of Correction |
| <input type="checkbox"/> Response/Amendment | <input checked="" type="checkbox"/> Certificate of Mailing |
| <input type="checkbox"/> Response to Final Rejection or R116 Amendment | <u>January 31, 2005</u> (date) |
| <input type="checkbox"/> Fee Transmittal PTO/SB/17 (in duplicate) | <input type="checkbox"/> Response to Missing Parts |
| <input type="checkbox"/> Request for Extension of Time (in duplicate) | |
| <input checked="" type="checkbox"/> Charge to Deposit Account (in duplicate) | |
| <input type="checkbox"/> Other _____ | |

Sec. klg / 1/31/05
FORM 2123 (8/04) Date

9036

1501	1400
1504	300
8001	60*

ART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 or Fax (703) 746-4000

MAY 16 2005

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence regarding the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or elected otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

23543 7590 12/21/2004

AIR PRODUCTS AND CHEMICALS, INC.
 PATENT DEPARTMENT
 7201 HAMILTON BOULEVARD
 ALLENTOWN, PA 181951501

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

Geoffrey L. Chase	(Depositor's name)
<i>Geoffrey L. Chase</i>	(Signature)
31 Jan 2005	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,614	01/14/2002	Charles Michael Birtcher	06242 USA	2701

TITLE OF INVENTION: CABINET FOR CHEMICAL DELIVERY WITH SOLVENT PURGING

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	03/21/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
WALTON, GEORGE L	3753	137-240000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. Geoffrey L. Chase

2. _____

3. _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Air Products and Chemicals, Inc.

Allentown PA USA

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☒ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☒ Advance Order - # of Copies - 20 -

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 01-0493 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Geoffrey L. Chase

Date

31 Jan 2005

Typed or printed name

Geoffrey L. Chase

Registration No.

28,059

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



UNITED STATES PATENT AND TRADEMARK OFFICE

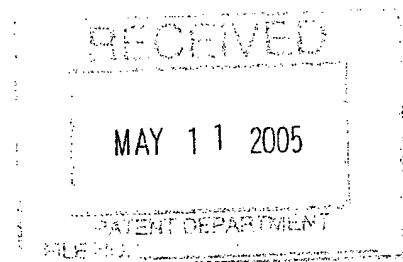
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

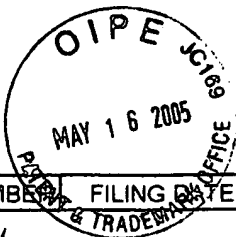
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,614	01/14/2002	Charles Michael Birtcher	06242 USA	2701
23543	7590	05/04/2005	EXAMINER WALTON, GEORGE L	
AIR PRODUCTS AND CHEMICALS, INC. PATENT DEPARTMENT 7201 HAMILTON BOULEVARD ALLENTOWN, PA 181951501			ART UNIT 3753	
PAPER NUMBER				

DATE MAILED: 05/04/2005

*Issue Fee
Paid 1/31/05*

Please find below and/or attached an Office communication concerning this application or proceeding.





UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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10046614

EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED:

NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
- ☐ A reply (with Certificate of Mailing or Transmission of _____) was received on _____ which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
- ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- ☐ A reply was received on _____, but it does not constitute a proper reply, or a *bona fide* attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).
- ☐ No reply has been received.
- ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85)(or Notice of Publication Fee Due).
- ☐ The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due.
The issue fee by 37 CFR 1.18 is \$ _____. The publication fee, if required, by 37 CFR 1.18(d) is \$ _____.
- ☒ The issue fee and publication fee, if applicable, have not been received.
- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
- ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
- ☐ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below: _____

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

DS

Attachment to Notice of Abandonment



For questions concerning the notice contact
Office of Patent Publication

Image Assistance Center: 888-786-0101.

Information is also available on the USPTO Internet web site:
<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>

Respond to the Notice of Abandonment by one of the following:

1. Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing; 37 CFR § 1.10 "Express Mail" mailing or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 703-872-9306

2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 703-872-9306

3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 703-872-9306

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment